

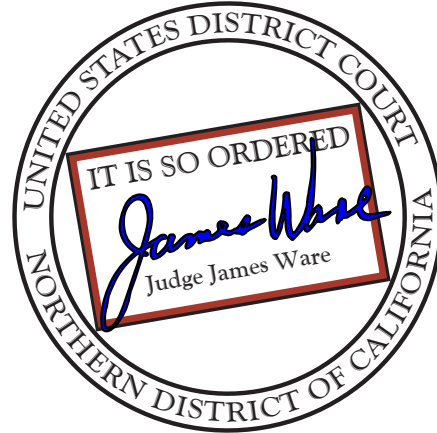
SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

STEPHANIE M. HINDS (CSBN 154284)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6816
fax: (415) 436-6748
e-mail: stephanie.hinds@usdoj.gov

Attorneys for Plaintiff



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MISCELLANEOUS FIREARMS,)
SILENCERS AND AMMUNITION,)
)
Defendant.)

No. C 03-1920 JW

STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING STAY AND VACATING CASE
MANAGEMENT CONFERENCE

Plaintiff, United States of America, and Prospective Claimant Kevin Dugan, through undersigned counsel, hereby apply to the Court for a further order extending the stay of this matter and vacating the case management conference currently scheduled for November 5, 2007. In this in rem civil action, plaintiff seeks to forfeit certain firearms, silencers and ammunition alleged to have been illegally possessed by Kevin Dugan. As reported in the last request for an extension staying this action, Dugan is a prospective claimant in this action,¹ which is based, in large part, on the allegations at issue in the pending criminal action (United States v. Kevin Dugan, CR 03-20010 RMW) . The Court has previously entered orders staying this matter pending resolution of the ongoing criminal proceeding. A review of the criminal docket sheet reflects and conversation with Dugan's trial counsel confirm that a jury trial in the criminal case

¹Dugan has not yet filed a claim or Answer in the civil forfeiture action, but has advised the government and the Court that he intends to do so.

1 began on October 29, 2007. Thus, the factual predicate for entry of the stay has not changed.
2 Accordingly, the parties hereby request that the Court extend the stay in this matter and continue
3 the case management conference until Monday, December 17, 2007, or a date convenient for the
4 Court.

5
6 Dated: 11/01/2007

Respectfully submitted,

7 SCOTT N. SCHOOLS
8 United States Attorney

9 /S/
10 STEPHANIE M. HINDS
11 Assistant United States Attorney

12 Dated: 11/01/2007

13 /S/
14 DANIEL HALPERN
15 Attorney for Prospective Claimant Kevin Dugan


16 **[PROPOSED] ORDER**

17 Upon consideration of the above stipulation, the Court hereby orders that this matter be
18 stayed pursuant to 18 U.S.C. § 981(g)(1) and (2) until the conclusion of the related district court
19 criminal case, CR 03-20010 RMW. The case management conference currently scheduled for
20 November 5, 2007 is vacated. The matter is continued for further status until December 10, 2007.

21 The parties shall appear for a Case Management Conference on **December 10, 2007 at 10 A.M.**

22 The parties shall file a Case Management Statement no later than **December 3, 2007.**

23
24 Dated: November 1, 2007

25 
26 JAMES WARE
27 United States District Judge
28